

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**Petition of BNE Energy Inc. for a
Declaratory Ruling for the Location,
Construction and Operation of a 4.8 MW
Wind Renewable Generating Project on
Winsted-Norfolk Road in Colebrook,
Connecticut (“Wind Colebrook North”)**

Petition No. 984

April 19, 2011

PETITIONER BNE ENERGY INC.’S MOTION TO STRIKE MOW EXHIBIT LIST

Petitioner BNE Energy Inc. (“BNE”) hereby objects to certain items listed in a witness and exhibit list filed on behalf of Kristin M. Mow and Benjamin C. Mow (collectively “the Mows”) dated March 14, 2011. Specifically, exhibits 1-4 relate only to petition 983 and therefore should be stricken from the record in this proceeding on petition 984.

Proposed exhibit 1 is a driveway and utility easement that relates to a driveway partially located on the property proposed as the site in petition 983. Neither the driveway nor the easement have any relation to the property proposed as the site in this proceeding on petition 984. As such, proposed exhibit 1 is not even remotely relevant to this proceeding and should be stricken from the record.

Proposed exhibit 2 is a survey of an easement area on Flagg Hill Road in Colebrook. Again, this document relates only to the property proposed as the site in petition 983, and has absolutely no relation to or bearing on the property proposed as the site in this proceeding. Therefore, proposed exhibit 2 is wholly irrelevant this proceeding and should be stricken from the record.

Proposed exhibit 3 is a site plan relating to 29 Flagg Hill Road. Again, this document relates only to the property proposed as the site in petition 983, and has absolutely no relation to

or bearing on the property proposed as the site in this proceeding. Therefore, proposed exhibit 3 is entirely irrelevant this proceeding and should be stricken from the record.

Proposed exhibit 4 is the docket and application for temporary injunction in a pending litigation proceeding relating to the driveway easement proposed as exhibit 1. This litigation and the driveway easement itself relate only to the property proposed as the site in petition 983, and has absolutely no relation to or bearing on the property proposed as the site in this proceeding. Therefore, proposed exhibit 4 is wholly irrelevant this proceeding and should be stricken from the record.

WHEREFORE, items 1-4 of the Mows' exhibit list relate only to petition 983, have no relation to or bearing upon the instant petition, and should therefore be stricken from the record in this proceeding.

BNE ENERGY INC.

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CERTIFICATION

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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